

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ROBERT E. LEE,

Plaintiff,

CIVIL ACTION NO. 05-CV-60238-AA

vs.

DISTRICT JUDGE JOHN CORBETT O'MEARA

KARLA MCDONALD,

MAGISTRATE JUDGE MONA K. MAJZOUB

Defendant.

/

**ORDER DENYING PLAINTIFF'S MOTION TO RESTATE FINANCIAL SERVICES
REPRESENTATIVE, ORDERING DISPOSITION OF SETTLEMENT PROCEEDS,
AND GRANTING COUNSEL'S MOTION TO WITHDRAW**

This matter is before the Court on Plaintiff's Motion to Restate Financial Services Representative filed on August 3, 2007. (Docket no. 79). This motion has been fully briefed by the parties. (Docket nos. 80, 82, 85, 86). The Court heard argument from Plaintiff, Mr. Lee, and Plaintiff's Counsel, Mr. Manville, on this motion on October 4, 2007. The Attorney General waived its right to be present for argument. The motion is before the Court for ruling pursuant to 28 U.S.C. § 636(b)(1)(A). (Docket no. 84).

This Court denies Plaintiff's Motion to Restate Financial Services Representative for the reasons stated on the bench during oral argument. Plaintiff has failed to show any exceptional circumstances or good cause to replace Counsel Manville as his "financial services representative." Counsel Manville is now in possession of a State of Michigan Treasury Warrant in the amount of \$23,641.77 which represents the proceeds of the settlement of this action. The warrant is payable to both Mr. Manville and Mr. Lee. Mr. Lee during oral argument refused to sign this warrant. The

Court therefore will order that the proceeds be held by the Court pending further order of the Court. Mr. Manville will remit to the State of Michigan the warrant now in his possession.

Counsel Manville also made an oral motion to be relieved as Mr. Lee's counsel in this action. For good cause shown the Court grants that motion.

IT IS THEREFORE ORDERED that Plaintiff's Motion to Restate Financial Services Representative (docket no. 79) is **DENIED**.

IT IS FURTHER ORDERED that the State of Michigan Office of the Attorney General reissue or have reissued the Treasury warrant representing the proceeds from the settlement of this case in the amount of \$23,641.77 which shall be made payable to the Clerk, United States District Court, Eastern District of Michigan on behalf of Mr. Robert E. Lee. These monies will be deposited in an interest bearing account on behalf of Mr. Lee where they will remain unless otherwise ordered by the Court or until Mr. Robert E. Lee seeks by formal written request to the Clerk of Court to withdraw these monies. The Clerk may upon such request release funds to Mr. Robert E. Lee without further order of the Court.

IT IS FURTHER ORDERED that Counsel Manville's Motion to Withdraw as Mr. Lee's counsel in this action is **GRANTED**.

NOTICE TO PARTIES

Pursuant to Fed. R. Civ. P. 72(a), the parties have a period of ten days from the date of this Order within which to file any written appeal to the District Judge as may be permissible under 28 U.S.C. 636(b)(1).

Dated: October 04, 2007

s/ Mona K. Majzoub
MONA K. MAJZOUB
UNITED STATES MAGISTRATE JUDGE

PROOF OF SERVICE

I hereby certify that a copy of this Order was served upon Robert E. Lee and Counsel of Record on this date.

Dated: October 04, 2007

s/ Lisa C. Bartlett
Courtroom Deputy